

REMARKS/ARGUMENTS

Claims 1-4, 6-20, 22-34, 36-39, and 41-46 are pending in this application. Claims 1-4, 6-20, 22-34, 36-39, and 41-46 are amended. Claims 1, 17, 33, 34, 39, 44, 45, and 46 are independent. Applicant respectfully requests the reconsideration and allowance of all pending claims in view of the following remarks.

REJECTIONS UNDER 35 U.S.C. § 103(a)

On pages 2-7, the Office Action rejects claims 1-4, 6-20, 22-34, 36-39, and 41-46 under 35 U.S.C. § 103 as allegedly unpatentable over U.S. Patent Number 7,143,153 to Black et al. (hereinafter “Black”) in view of U.S. Patent Number 6,834,304 to Nisbet et al. (hereinafter “Nisbet”), further in view of U.S. Patent Number 6,088,688 to Crooks et al. (hereinafter “Crooks”), and yet further in view of U.S. Patent Number 5,796,633 to Burgess et al. (hereinafter “Burgess”). Applicant respectfully traverses these rejections.

Independent claim 1 recites, in part, the following subject matter: “generating an **alarm** for the resource and **resetting** the timer associated with the resource **only** when the alarm has been generated for the resource” (emphasis added). Similar subject matter appears in independent claims 17, 33, and 45. As described in the specification, resetting the timer when an alarm is generated ensures that the connection resource tracker will not generate repeated alarms for a resource in response to a future query from a user. Applicant respectfully submits

that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

On page 4, the Office Action correctly concedes that Black fails to disclose this subject matter. Applicant notes that Nisbet and Crooks also fail to disclose, teach, or suggest this subject matter. On pages 5 and 6, the Office Action attempts to remedy this admitted deficiency in Black in view of Nisbet and further in view of Crooks by applying the teachings of Burgess.

However, Applicant respectfully submits that Burgess only discloses the use of a log capture thread [Fig. 3: 46]. While Burgess does describe avoidance of “sending alerts out twice” in line 58 of col. 13, Burgess does not prevent generation of repeated alarms. Instead, as disclosed in lines 58-59 of col. 13, the log capture thread of Burgess automatically filters out any alert events that were placed in the local event log. Thus, because Burgess still permit repeated alerts to be generated, only filtering such alerts out of the local event log after they have been generated, Applicant respectfully submits that Burgess clearly fails to disclose, teach, or suggest the recited subject matter.

Independent claim 34 recites, in part, the following subject matter: “if the utilization is above the corresponding specified threshold for at least one said resource, checking whether a flag associated with the resource indicates that an alarm has recently been generated for the resource; and wherein if the flag does not indicate that the alarm has recently been set, a step of generating the alarm is carried out and the **flag** is set to indicate that the alarm has **recently been**

generated.” Similar subject matter appears in independent claims 39, 44, and 46. As described in the specification, if the flag does not indicate that the alarm has been set, then the connection resource tracker generates an alarm and sets the flag to indicate the alarm has recently been generated; otherwise an alarm is not generated. Applicant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

Section 16 of the Office Action indicates that independent claims 34, 39, 44, and 46 are rejected for the “same reasons as stated above.” Applicant notes, however, that these claims relate to use of a **flag** to avoid repeated generation of alarms, not a timer. Because the Office Action fails to provide any articulated reasoning regarding obviousness of claims reciting a flag, Applicant respectfully submits that the Office Action is facially deficient with respect to these claims.

Furthermore, Black only describes the use of flags to indicate if the user may change certain profile attributes. As disclosed in lines 60-65 of col. 48 in Black, “[A] flag may be set to indicate that the user is not allowed to change his/her password, and an account disable flag may be set to disable a particular profile/account.” Thus, Black’s flags are not used to prevent unnecessary repetition of alarms.

Although Black does disclose a method to suppress false alarms, this is done using both a “rising and falling” threshold, as set forth in lines 51-64 of col. 1. By generating alarms only when both upper and lower thresholds are reached, Black eliminates the main feature of the present system, that is, to notify the operator when the system is either over or under utilized.

Nisbet and Crooks also fail to disclose, teach, or suggest the claimed subject matter. Burgess clearly fails to use flags to prevent unnecessary generation of alarms when a minimum or maximum threshold is reached. Instead, as described above, Burgess filters out already generated alerts.

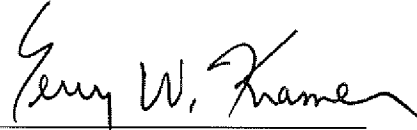
For the reasons detailed above, Applicant respectfully submits that independent claims 1, 17, 33, 39, and 44-46 are allowable over the references of record. Claims 2-4 and 6-16 depend from claim 1. Claims 18-20 and 22-32 depend from claim 17. Claims 36-38 depend from claim 34. Claims 41 and 42 depend from claim 39. Thus, claims 2-4, 6-16, 18-20, 22-32, 36-38, 41, and 42 are allowable at least due to their respective dependencies from allowable claims. Accordingly, Applicant respectfully requests withdrawal of the rejections of claims 1-4, 6-20, 22-34, 36-39, and 41-46 under 35 U.S.C. § 103(a).

CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.

A handwritten signature in black ink, appearing to read "Terry W. Kramer", written over a horizontal line.

Terry W. Kramer
Registration No.: 41, 541

Date: October 14, 2009

KRAMER & AMADO, P.C.
1725 Duke Street, Suite 240
Alexandria, VA 22314
Phone: 703-519-9801
Fax: 703-519-9802